

SOME ASPECTS OF MAGIC, WITCHCRAFT AND SORCERY

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A MEETING of the Medico-Legal Society was held on March 21, 1936. The President, Mr. W. K. Fullagar, K.C., occupied the chair, and Mr. John V. Barry delivered an address, "Some Aspects of Magic, Witchcraft and Sorcery."

MR. BARRY said: When I came to consider what I should say to-night upon the subject of magic, sorcery and witchcraft, I found several methods of approach were open. One method was to deal with the subject as would an anthropologist, and to consider the multifarious tribal customs and rites. Another was to approach it as an adept in the occult arts, and tell you of the mysteries of magic.

There were reasons, however, why neither of these courses should be followed. So far as the first was concerned, there was the very considerable difficulty, that not being an anthropologist, I had not the necessary knowledge. A similar difficulty arose in respect of the second method of approach; I am not an adept and have only the most casual and indefinite acquaintance with the magical arts. Thus it was that I was driven to find another method of approach to the subject. That third method consists of throwing myself upon your compassion, asking your indulgence, and endeavouring to bring to your attention some aspects of the subject which may be of interest to the two professions which make up this Society.

It is always useful to define the terms which one uses, and while I do not intend to be constrained by any definition, it will be convenient to indicate the meaning of the terms sorcery, magic and witchcraft.

DEFINITIONS

The term "sorcery" is obviously derived from the practice to casting lots to divine the future. The prediction of future events was of the essence of sorcery and magic. An event was foretold, either because knowledge that it would

happen was obtained by supernatural means, or because the performance of magical rites rendered the happening of that event certain. I have already used the expression "magical," and I believe that for all practical purposes sorcery and magic may be taken to be synonymous terms. The word "magic" is derived from the name of the priests of the Medes and Persians, The Magi, but if there ever was any distinction between the expressions, that distinction seems to have disappeared until recent times. Now, there may be a distinction in common usage, because magic, without the qualifying adjective, seems at the present time to include the production of unusual and seemingly impossible effects by deceptive but perfectly natural means, whereas sorcery retains its sinister meaning. Dante may like to hear himself described as "The Magician," but he probably would resent being called "The Sorcerer." The term "wizard" seems with the passing of time to have lost much of its unpleasant significance. Originally, a wizard meant only a wise man, and witch possibly is derived from the same root as "wit" and meant only a wise woman. Such is the derivation of witch suggested by Dr. Annandale, although the editors of the last *Webster's Dictionary* trace its origin to the same root as "victim," that root having the meaning of "holy" or "consecrated." Perhaps because wisdom and knowledge were matters beyond common possession, and therefore common comprehension, the words gradually assumed an evil significance. Frequently "witch" is used indifferently to describe male and female sorcerers, but I understand the correct masculine equivalent of "witch" is "warlock." "Wizard" now seems to have risen in the philological scale, and to have much the same harmless meaning as magician, but the word "witch" still preserves its shuddersome associations, while the word "warlock" has passed from usage.

For the purpose of this discussion, however, I use the terms in all their unpleasant significance. Accordingly, when I speak of sorcery, of magic, or of witchcraft, I mean those practices which are concerned with the evocation and

control of evil spirits and with the production of supernatural phenomena.

ANIMISM

Anthropologists as a body of men seem to be remarkably credulous, and given to making assumptions that are hardly creditable to men of science; Lord Raglan, for example, in his work on the origin of the incest taboo, *Jocasta's Crime*, deals roughly with such well-known people as Dr. Marrett and Professor Malinowski, and even gently chides Sir James Frazer. In these circumstances, one offers a theory with some diffidence, but the plausible, although undemonstrable, theory of Dr. Macleod Yearsley is attractive because of its neatness. He suggests that the origin of magic is the primitive belief in animism. Animism is a convenient term to describe the idea that all natural objects have spirits. Once this conception is reached, then the world becomes peopled with good and evil spirits. As the life of primitive man is beset by hardships and exposed to many dangers, the evil spirits greatly outnumber the good, and for most practical purposes are the more powerful. Once it is assumed that what goes on around the savage is the work of spirits which are governed by rules similar to the rules which govern him, the next step is soon taken. He knows that if he is pleased, he is unlikely to injure deliberately that which pleases him, and he ascribes the same feeling to the spirits. Having got so far, he begins to confuse natural phenomena with his conception of a spirit-ordered world. That confusion being established, he reasons that if he can control the spirits, he can control the processes of nature, and he sets out to devise means of controlling the spirits. As soon as he embarks upon that task, he has set about evolving a system of magic.

DIVISIONS OF MAGIC

It must be granted that if his premises were sound, the conclusion of the savage is perfectly reasonable, and the same remark is true of the system of magic he evolves. Sir James Frazer¹ has shown that the ideas behind sympathetic magic are two. They may be shortly stated that like

produces like, or that an effect resembles a cause, and that things that have once been in contact will continue to act upon each other even after contact is broken. The two divisions of magic are therefore:

- (1) Homœopathic or imitative magic.
- (2) Contagious or contact magic.

Illustrations of the two principles abound. An instance of homœopathic magic is the burning of an image of one's enemy to bring about that enemy's death. Rain-making rites supply another instance. An example of contagious magic is supplied by Francis Bacon,² whose qualifications as a scientist Professor Osborne so vigorously attacked at a recent meeting of this Society. Bacon mentions as a cure for a wound the anointing of the weapon that caused the wound. He professes himself not entirely convinced of the validity of the theory, but he gives a recipe for the ointment with which the weapon is to be anointed. I mention only two of the ingredients: one is "the moss upon the skull of a dead man unburied," and the other, "the fats of a boar and a bear killed in the act of generation."

Now, the primitive sorcerer acts upon the same assumptions as does the modern scientist; he has implicit faith in the order and uniformity of nature; he believes that the same charm will always produce the same effect. His error, of course, is the invalidity of the principles upon which he works; like does not necessarily produce like, and things once in contact do not continue to act on each other at a distance. After he has assumed his premises, however, his conduct is quite scientific, and that is why Frazer calls magic the bastard sister of science; a false science and an abortive art!³

I shall not discuss the vexed question of which came first, religion, in the broad sense, or magic, except to say that Frazer's arguments⁴ in support of the view that magic preceded religion seem to me convincing. It is fairly clear, however, that the tribal magician, or sorcerer, or medicine man, became a very real power in the counsels of the tribe. When the roles of priest and magician were amalgamated, it would seem that he became priest, lawyer and doctor,

and that both our professions should look back upon him with gratitude, if not with veneration.

THE ACHIEVEMENTS OF MAGIC

Although magic has much to answer for, it has done much for mankind. It aimed at the collection of facts and thus at the acquisition of knowledge. At first the facts were fitted to the magical theories, and any facts that did not quite square with accepted principles were discarded or distorted. The same process of rejecting or twisting inconvenient facts goes on to-day. But from that urge to collect facts came the modern scientific spirit. From alchemy came chemistry, from astrology came astronomy, and from the old magical practices came the science of medicine as we know it. Illnesses and diseases were visitations from the malignant spirits, and if those spirits could be propitiated or controlled, the illnesses and diseases could be cured. So long as this idea prevailed, the medicine man was enabled to carry on his practice of the healing arts with success to himself and no very great harm to his patients. The system looked scientific, and it sounded learned, and both doctor and patient were satisfied with it. It is true that the patients died just the same, but the relatives had the comforting knowledge that the deceased had had the best medical aid available, and so all went well.

I have not the time necessary to examine the various manifestations of the magical theories in the early history of medicine. In this connection, however, I cannot resist a further quotation from Frazer: "One of the great merits of homœopathic magic," he says, "is that it enables the cure to be performed on the person of the doctor instead of on that of his victim, who is thus relieved of all trouble and inconvenience, while he sees his medical man writhe in anguish before him."⁵ The homœopathic theory of medicine owes a great deal to magical theories, for its basis is *similia similibus curantur*. The theory of the signature of drugs, advanced by Paracelsus, is a variant. The root of the orchid, being shaped like a testicle, should be used for diseases of

that organ; the nutmeg, as it resembles the brain, is useful for treating diseases of the brain; these and many similar instances show the effect of the old magical beliefs.

Considerations of time also preclude an examination of the influence of magical theories upon trial, or more strictly, proof, by ordeal, but as will be seen later, the methods employed to discover witches partook of the nature of the ordeal.

BLACK MAGIC

It was a curious but not unnatural application of the magical doctrines that if you pleased the powers of good, such as God or the angels, by certain practices, to perform those practices profanely would please the powers of evil. Under some such theory as that must come the Black Mass or the Mass of St. Secaire. A good romantic account is given by Sabatini in "The Night of Witchcraft," in his *Historical Nights Entertainments*, but as my final quotation from Frazer, I take the ironical description given in his *Golden Bough*.⁶ "The Mass of St. Secaire may be said only in a ruined or deserted church, where owls mope and hoot, where bats flit in the gloaming, where gypsies lodge of nights, and where toads squat under the desecrated altar. Thither the bad priest comes by night with his light of love, and at the first stroke of eleven he begins to mumble the mass backwards, and ends just as the clocks are knelling the midnight hour. His leman acts as clerk. The host he blesses is black and has three points; he consecrates no wine, but instead he drinks the water of a well into which the body of an unbaptized infant has been flung. He makes the sign of the cross, but it is on the ground and with his left foot. And many other things he does which no good Christian could look upon without being struck blind and deaf and dumb for the rest of his life. But the man for whom the mass is said withers away little by little, and nobody can say what is the matter with him; even the doctors can make nothing of it. They do not know that he is slowly dying of the Mass of St. Secaire."

I am informed by my friend Mr. Gorman, K.C., that con-

temporary French newspapers contain occasional references to current satanic practices, and that prominent among these rites is the Black Mass.

From practices of this kind came crimes such as those of Gilles de Rais, a Marshal of France and the original Blue Beard, who was burnt at Nantes in 1440 for the murder of over 200 children in the performance of his magical rites. Some authorities state the number of his victims at 800! In France, during the seventeenth century in Louis XIV's reign, the poisoner, La Voisin, was alleged to have procured over 1,500 children for the infamous Abbe Guiborg to sacrifice at Black Masses. The ruling price for infants was a crown-piece! Two hundred and forty-six men and women were tried in this connection for satanic practices, and Madame de Montespan and many other notables were said to have been involved, but to have escaped prosecution. One can well understand how the early students of anatomy came under suspicion as sorcerers, and it is possible that this fear of magic had much to do with the obstacles that were placed in the way of anatomical investigations.

The greatest misery was caused by the theory of demoniac possession. Epileptics and people suffering from similar complaints were exorcised and tortured, and I believe that much of the unscientific attitude towards the insane which persists even to this day, is due to the old notion that the insane were possessed by evil spirits. But if the medical profession as represented by the sorcerers caused much mischief and misery, their achievements paled into insignificance when compared with the efforts of the lawyers.

COMPACTS WITH EVIL SPIRITS

With the rise of religion and the triumph of the belief in the powers of good as represented by God and the angels, the art of controlling evil spirits became a very dangerous one. If a man trafficked in evil spirits, it was reasoned that he must have some compact with them, and if he had, there was little to choose between him and his familiars. It is a curious thing, however, that until the fourteenth century,

the Church does not seem to have paid a great deal of attention to sorcery and witchcraft. In 1258, Alexander IV issued a Bull dealing with sorcery but until the pontificate of John XXII in 1316-1334, there existed no pronouncement that there was anything necessarily heretical in magical practices. I am no admirer of that much abused institution, the Inquisition, but there is so little good said of it that I feel I should point out at least one redeeming feature that it possessed. According to the most recent historian of the Inquisition, Professor A. S. Turberville,⁷ of the University of Leeds, the story of its attitude to witchcraft forms the most honourable chapter in the annals of the Spanish Inquisition. The Suprema, while accepting the possibility of there being women possessed of supernatural powers due to a compact with the devil, did its best to combat the credulity of the multitude, and to insist upon the necessity of objective evidence and to discourage mere superstition. Sir John MacDonnell, in his *Historical Trials*,⁸ reaches much the same conclusion. In his view, the outrageous persecutions for witchcraft were not due to any enthusiasm on the part of the ecclesiastical courts, but were the products of a frenzy of superstition which operated through the channel of the secular courts.

It is now generally accepted that delusion, madness and torture were the three begetters of practically all the evidence of witchcraft.

We can believe that there were imposters who pretended to possess magical powers, and played upon the credulity of people for their own advantage. We can also accept that there were poor, deluded people who did believe that they had entered into compacts with the evil spirits, and behaved accordingly. But we know that the crime of witchcraft could have no foundation in reality, and that when these unfortunate men and women were seized and tortured and executed after being subjected to what passed for a trial, but which was really formalized lynch law, they were killed for a supposed crime of which they could not possibly have been guilty. A study—nay a casual survey—of the

trials for witchcraft brings forcibly home to us that the judicial method is not infallible, and that its effective use as an instrument for discovering and revealing truth depends upon the freedom of the tribunal from prejudice and preconception.

THE WITCHCRAFT SCARE

Belief in witchcraft is as old as human records. The Bible contains frequent references to it—the Romans had mild laws against it. The basis for the provisions directed against witchcraft in ancient times, however, seems to have been its supposed connection with poisoning. The Church, until shortly before the Reformation, did not bother greatly about it. But with the Reformation came the witchcraft scare. I do not pretend to connect the two, but it is undoubted that in the fifteenth century, Europe was seized in the grip of mania for discovering and torturing witches. The proofs of their existence, their evil qualities, and the means for their discovery became the subject of intense enquiry. Luther was fully persuaded of their reality; just what his physical disabilities which the late Dr. MacLaurin discussed in his medico-historical essays, *De Mortuis*, had to do with this belief I leave to medical members to determine. But it is undoubted that Luther, Calvin, Knox and Wesley, to mention only a few of the religious leaders, were enthusiastic believers in the existence of witches, and whatever their other qualities may have been, mercy to those they believed to have entered into compacts with the devil is not among them.

According to a learned French expert, the infallible signs of bewitching were:

- (1) The vomiting of needles, nails and pieces of glass.
- (2) Continual burning pains, especially in the region of the heart, inability to retain food, and a sensation as if balls were rising and falling in the throat.
- (3) Suddenly falling ill of a grievous complaint, and wasting away without any apparent cause.

- (4) Medicines prescribed having the opposite effect of their known virtues, and intensifying rather than modifying the disease.

It will be seen that all but the first symptom can be found in the present-day advertisements for patent cures for indigestion.

For two hundred years Europe was hag-ridden by this extraordinary conviction of the dominance of the powers of evil. No part of Europe escaped, although the easy-going peoples of the southern latitudes did not pursue the hunt with the same horrible enthusiasm that inspired the colder countries. The witch trials of Scotland were peculiarly appalling. As Buckle⁹ remarks, while according to the English view, the witch was a miserable and decrepit hag, the slave rather than the mistress of the demons that haunted her, in Scotland she rose to the dignity of a potent sorcerer, who mastered the evil spirit, and forcing it to do her will, spread among the people a far deeper and more lasting terror. There seems to have been a fervent belief in, and a detestation of, witches in that country which led to the grossest of excesses, and the procedure to discover witches exhibited the thoroughness that is the racial characteristic. Suspected witches were not permitted to drink, to lie down, or to sleep, for a confession was required, and to permit any of those privileges would delay the admissions. A further inducement to confess was supplied by the use of an iron hoop that was placed around the head, and which had four prongs that were thrust into the patient's mouth. The hoop was then attached to a chain, which was attached to the wall of the dungeon in which the suspect was confined.

During these times, no one was safe from accusation, for it was an effective way of disposing of an enemy. It is said that Cardinal Beaufort disposed of the Duchess of Gloucester in this way. Her husband was next in succession to Henry VI, and to hurt the Duke, Beaufort accused his wife of witchcraft. She was tried by a large number of Bishops at Westminster, and the allegations were that she had consorted with witches and had constructed a waxen

image of the King, which was slowly melted. A confession was extorted from her, and she was convicted. As punishment, she was walked through the streets of London before the jeering crowds, and imprisoned in the Isle of Man for the rest of her life.

It will be remembered that Joan of Arc was tried and condemned for witchcraft. However, I cannot in the time available to me examine more than two witch trials—one Continental and the other English. The two I have selected are those of the mother of the famous astronomer Kepler, who was tried in Wurtemberg between the years 1615-1621, and the Suffolk witches who were tried in 1665.

THE PRINCIPLES OF WITCH-FINDING

I have said that great attention had been paid to the methods of discovering witches, and the technique evolved by Sprenger, the author of *Malleus Maleficarum*, was very effective. Every person denounced as a witch who did not confess the truth of the accusation was to be subjected to torture. If under torture, she confessed, she was to be condemned and to suffer the customary fate, to be burned alive. If, however, she did not confess, her silence was evidence against her, for it was axiomatic that obduracy and taciturnity under torture were clear signs of daemonic possession. It was universally accepted that a witch was in some spot insensitive to pain, having been touched there by the devil, and we find horrible accounts of gougings and prickings of women to discover this spot. If a witch were tossed into water, she would not sink. Thus, a person suspected of a santanic compact was in the dilemma of drowning at once, or swimming out to be burned alive later. The tests seem to have rested on the basis "Heads the witchfinders won, tails the witches lost."

There were persons who made witch-finding a profession, thus combining business with pleasure. In Scotland the "prickers," as the searchers for the insensitive spots were called, actually formed themselves into a trade guild! In England during the protectorate, one Mathew Hopkins

flourished in this trade. He began life as a lawyer, but doubtless because that occupation was both unremunerative and uneventful, he embraced a profession that had the features of novelty and excitement. He travelled with two assistants, and put up at the best inns at the expense of the authorities. For information leading to the conviction of a witch, to use the phrase of the Government reward proclamations, his fee was 20s., and as he was paid by results, his public-spirited efforts seldom went without reward. His favourite method of detection was that of "swimming" the suspected person. One learns with satisfaction that ultimately he was denounced as a sorcerer and dealt with according to his own recipe. Whether he met his death by drowning, or floated and was then hanged as a sorcerer, is uncertain.

THE TRIAL OF MADAME KEPLER

Madame Kepler was not a likeable woman. She was, according to her famous son, "of evil tongue, and burdened with the faults of lying, prying, violent anger, cursings and persistence in complaints." She was something of a herbalist and dabbled in medicine, accompanying her remedies with strange ceremonies. She was exposed to the difficulty which confronts every medical man—her cures were forgotten and her failures remembered. She was denounced by a witch-finder, and cast into prison. She was fortunate, however, in finding a tribunal which did not adopt entirely the system followed by Herr Sprenger and Mr. Hopkins. She was tried at the age of 73, at Wurtemberg. The proceedings had started in 1615, but they did not come before the Courts until 1619. She had the advantage of a masterly defence prepared by her son, but whatever he may have thought, Johann Kepler did not deny the existence of witchcraft; his astronomical theories were getting him into sufficient trouble without his venturing into the realms of demoniac theology. Perhaps because of his protest, she was not tortured, but the Court decided to make her believe that she would be. Accordingly, she was taken to the torture

chamber, the engines of torment were displayed before her, and pressure thus brought to bear on her. The old lady was made of stern stuff, however, and she protested her innocence with a vigour and a vocabulary that is pleasing to read. Baffled, the court released her, and she died soon after. Sir John MacDonnell¹⁰ expresses the opinion that had she been tried in England or Scotland, she would not have escaped; that the popular fury that had brought about the accusation would have brought about her condemnation.

JAMES I AND DEMONOLOGY

Before I proceed to the details of the trial of the Suffolk witches, I should indicate how the law developed in England. At common law, witchcraft was an indictable offence, but not a felony, because, as Hale says, "No external act of violence was offered whereof the common law can take notice, and secret things belong to God." However, in 1541, in Henry VIII's time, witchcraft was made a statutory offence, and became a felony, punishable by death. Edward VI repealed this Act, but in Elizabeth's reign it was re-enacted in substance. James I was a staunch believer in witchcraft, and the horrible treatment he meted out to Dr. Fian may here be told. James was crossing from Denmark when a storm arose, and Dr. Fian was accused of being the author of the storm. Under torture he confessed, but when released from torment, retracted his confession. The bones of his legs were then broken but even this torment evoked no confirmation of his earlier confession. The King then suggested his nails be torn off and needles driven into the quicks. This was done, and needles were also driven into his eyes and eye-sockets. Still there was no confession, and presumably disgusted by his obduracy, James had him burned alive. I believe that James wrote a book upon demonology, and one of his earliest Acts, passed in 1604, provided a new and more effective means of getting convictions of witches and warlocks.

With your permission, I shall read you the Act 1 James Cap. 12 as it is set out in Coke, 3rd Inst., ch. vi:

- (1) If any person or persons shall use practise or exercise any invocation or conjuration of any evil and wicked spirit.
- (2) Or shall consult, covenant with, entertain, employ, feed or reward any evil or wicked spirit to or for any intent or purpose.
- (3) Or take up any dead man, woman or child, out of his her or their grave, or any other place where the dead body resteth, or the skin, bone or any part of a dead person to be employed or used in any manner of witchcraft sorcery charm or enchantment.
- (4) Or shall use, practise or exercise any witchcraft enchantment charm of sorcery whereby any person shall be killed, destroyed, wasted, consumed, pined, or lamed in his or her body or any part thereof.
- (5) That then every such offender or offenders, their aiders, abettors, and counsellors, being of any the said offences duly and lawfully convicted and attained shall suffer pains of death as a felon or felons and shall lose the privilege and benefit of clergy and sanctuary.

The second part concerns the assumption of the ability by witchcraft:

- (1) To discover hidden treasure, gold, etc.
- (2) To find stolen or lost goods.
- (3) To provoke any person to unlawful love.
- (4) To destroy cattle or goods.
- (5) Or to hurt or destroy any person in his or her body, although the same be not effected or done.

And the punishment provided is:

- (a) Imprisonment for the space of one whole year without bail.
- (b) Quarterly during that year to mount the pillory there to stand for six hours and to confess his error.

Coke calls the persons aimed at "imposters, mountebanks, and stealing quacksalvers," but refers to the Statute without disapproval. He was Attorney-General when this Act was passed, and Bacon was a member of Parliament.

With this review I now come to—

THE TRIAL OF THE SUFFOLK WITCHES

This trial was noteworthy because of the belief in witchcraft that was expressed by a great lawyer, Sir Mathew Hale, Lord Chief Justice of England, and a celebrated doctor, Sir Thomas Browne.

At the Assizes at Bury St. Edmunds, in 1665, Rose Cullender and Amy Duny were brought to trial. The charge related to the bewitching of several children, and the evidence in support of it consisted of what are, to our ears, fantastic stories of the children becoming afflicted with fits, being deprived of speech and vomiting pins. A toad also figures in this absurd story, and it is narrated that when it was thrown into the fire it exploded with a horrible noise. Next day one of the accused was said to have been in a bad condition, having her face all scorched. There were sceptics in the court, and Mr. Sergeant Keeling was most dissatisfied with the evidence and wanted some corroboration. A strong feature against the accused was that the children went into fits when touched by the alleged witches, and with this in mind the sceptics staged an experiment that nearly brought the case to a premature end. One of the prisoners was brought near a child, so that the child knew she was there, but could not see what was done. A bystander touched the child, who immediately went into a fit. The persons (including Keeling) who had administered this test returned into court, openly protesting their belief that the whole business was a mere imposture. As the chronicler records, "This put the Court and all persons into a stand." One of the Crown witnesses suggested the child might have been deceived by a suspicion that the witch had touched her, and this extraordinary piece of reasoning must have satisfied the judge, for the trial went on. The reason urged for

believing the witnesses for the Crown has a familiar ring to one who has practised in the Criminal Courts. It was said that it was not possible that so many had conspired together "to do an act of this nature" (i.e., give evidence against the prisoners) "whereby no benefit or advantage could redound to any of the parties, but a guilty conscience for perjuring themselves in taking the lives of two poor simple women away, and there appears no malice in the case."

Sir Thomas Browne was the medical expert, and he was definite and learned in his opinion that the children were bewitched. As an early example of expert testimony, an extract from his evidence may be given. He said: "In Denmark there had been lately a great discovery of witches, who used the very same way of afflicting persons, by conveying pins into them, and crooked as these pins were, with needles and nails. And his opinion was, that the devil in such cases did work upon the bodies of men and women upon a natural foundation, that is, to stir up, and excite such humours super-abounding in their bodies to a great excess, whereby he did in an extraordinary manner afflict them with such distempers as their bodies were most subject to, as particularly appear in children, for he conceived, that these swooning fits were natural, but only heightened to a great excess by the subtilty of the devil, co-operating with these which we term witches, at whose instance he doth these villainies."¹¹

The Lord Chief Justice charged the jury that there were two questions for them. First, had the children been bewitched? Second, whether the prisoners were guilty of bewitching them. He said that there were such persons as witches he made no doubt at all. Firstly, the Scriptures said as much. Secondly, the wisdom of all nations had made laws against such persons which showed their belief in such a crime. Further, there was an Act of Parliament against it! What lawyer could demand anything more convincing than the last reason!

The jury were absent half an hour, and returned with

the inevitable verdict of guilty. Hale took no steps to stay execution, and the prisoners were hanged, having confessed nothing, poor wretches! It is said that this trial precipitated the outburst of witch trials that occurred soon after in New England. The point of this trial is that if we believed in witchcraft to-day, precisely the same result would follow. The witnesses' testimony was definite and detailed, and they had no apparent motive to lie. There was nothing unfair about the trial, Hale saw to that; but it proceeded upon an assumption that was unsound, and hence it followed that injustice must be done. Perhaps future generations will find our criminal laws in relation to insanity just as shocking to their enlightened notions! It must be said, in justice to Hale, that he was in good company in his acceptance of the belief. To give but one instance, the French jurist, Bodin, who died of the plague in 1596 at the age of 66, was so liberal in his opinions that he was accounted an atheist, but he was a firm believer in witchcraft. He maintained that persons accused of witchcraft should be convicted without further proof, unless they could demonstrate their innocence, for, he said, "to adhere in a trial for witchcraft, to ordinary rules of procedure, would result in defeating the law of God and man." The framers of certain existing Commonwealth legislation seem to have the same attitude of mind!

THE DISAPPEARANCE OF WITCHCRAFT LAWS

The last conviction in England for witchcraft was in 1712, and in 1736 the Statutes against witchcraft were repealed and thereafter sorcery and devotion to the occult arts were offences only when they partook of the nature of cheating.

It is pleasing to note that Sir John Holt, who became Lord Chief Justice in 1689, was very sceptical about witchcraft. He used all his efforts to secure acquittals in those cases. Once an old woman was tried before him on that charge, and admitted she used a spell. It was a Latin sentence which she said a young gentleman had given her years before to cure her daughter of a complaint. Holt told the jury he was the young man. Once, with some friends, he

had been to an ale house, and being unable to pay the score, had settled the debt by giving the old woman the paper as a cure for her daughter!¹²

The last execution in Scotland for practising witchcraft occurred in 1722, but legal recognition of the belief persisted longer on the Continent, for in Switzerland in 1782 there was an execution for that crime. In Ireland the laws against witches remained on the Statute Book until 1821. In France in 1850 a woman was murdered by some persons who alleged she was a witch. The offenders were sentenced to four months' imprisonment, and to pay a yearly pension of twenty-five francs to the victim's husband. In 1836, in Essex, a man was mobbed to death as a wizard.

I am indebted again to Mr. Gorman for the information that only last year, in one of the French provinces, a woman was murdered, the reason given by the perpetrators of the crime being that she had bewitched their cows!

I understand that even in our own times the belief still persists among European peasants, that on St. Walburga's Eve (April 30) the spirits of evil are abroad, and on that night all doors are double-locked to keep them out.

From time to time we read of curious trials in Middle Europe which bring to the light these age-old beliefs. In Russia not so long ago it was revealed upon a trial that a girl had been murdered and cut up to make candles of human tallow, for it was believed that with such candles thieves could make their nightly depredations unseen.

So recently as the year 1934 there was before Mr. Justice Swift, in the King's Bench Division in England, a libel action between two figures in the literary world, Aleister Crowley and Nina Hammett, in which evidence had much to do with the rites of black magic, the Beast 666, and blood sacrifices. The libel was alleged to have been contained in Miss Hammett's book, *Laughing Torso*. Mr. Justice Swift remarked: "I have been forty years in the administration of the law, and I thought I knew every conceivable form of wickedness, but I have learned in this case that you can always learn something if you live long enough."

There can be no doubt that black magic or satanism is fairly widely practised by people who firmly believe in it. In 1926 there was published in London *The History of Witchcraft and Demonology*, by the Rev. Montague Summers, in which the learned author completely accepts the existence of witches and demons, and discourses learnedly upon their origin and habits and the most effective methods of exorcism. W. B. Seabrook has described the Voodoo rites in Haiti in considerable detail, and has also written a book upon the magical cannibal rites in Africa, and you all remember *Dracula*. There also seems to be ground for believing that occasionally black magic and all the mumbo-jumbo that goes with it, is resorted to by some decadents for the purpose of stimulating them to, or excusing their indulgence in, sexual perversion and obscure and unconventional forms of eroticism. The law of British communities, however, no longer concerns itself with magic, unless it is practised as a form of cheating, or gives rise in the course of its practice to some breach of the ordinary laws that govern us. In other words, people are quite free to play with magic, black or white, so long as they do not interfere with the rights or convenience of their fellow-citizens.

The only prosecutions that are now common relate to fortune telling, and in such a prosecution an honest belief in his ability to predict the future affords the prisoner no defence (*Stonehouse v. Masson* (1921) 37 T.L.R. 621). The change in the legal attitude is shown by the case of *Penny v. Hanson* ((1887) 16 Cox C.C. 173), where it is stated, in effect, that the claim to fortune telling ability is so preposterous that the prosecution need not negative an honest belief by the prisoner that he possessed such a power.

There is little doubt that many people, actually believing in witchcraft and black magic, did have recourse to its practices with the object of carrying out unlawful or anti-social designs. It may be said in defence of the conviction of such people on charges of trafficking with evil spirits that they believed as fully in the crime with which they were charged as did their judges, and as they had undertaken to

follow a mischievous course, society was justified in removing them. The substance of such an argument is, of course, "If the accused is not guilty of the crime charged, at any rate he is guilty of something else. Lynch him!" The most repellent aspect of the witchcraft hysteria, however, is that it enabled the ignorant majority to persecute a helpless minority, and to justify the persecution by an appeal to the communal welfare, thereby making the courts of justice instruments of oppression. Looking about the contemporary political scene, it is not difficult to discover similar tendencies. How insecure a footing tolerance has, even in our much-vaunted civilization, is shown by events in other countries, and tendencies in our own. For example, has not the anti-semitic persecution many features in common with the witchcraft scare?

CONCLUSION

Many morals could be drawn from an examination of the subjects I have discussed, but I shall content myself with one. It is that both doctors and lawyers should be on their guard against acting upon an undemonstrable assumption. Granted a false but suitable premise, humanity is so perverse in following error that an elaborate system will be developed in a very short time.

It is our duty as members of professions which claim to apply man's most recently acquired faculty, that of reason, to see that we do not, in the discharge of our functions, act upon any assumption unless it can clearly be demonstrated to have a factual existence. As yet, reason has cleared but a little space in the dark jungle of superstition, opposed alike to true religion and to science, that chokes our minds. It is for us to see that that space is kept cleared, and so far as it lies within each one of us to do so, to extend its boundaries.

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